IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELALTE SIDE

CIVIL REVISION APPLICATION NO.169 OF 2005

Smt.Rukminibai Sukhdeo Patole. ...Petitioner.

Vs.

Smt.Lilawati Sukhdeo Patole & Ors. ...Respondents.

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Mr.Ajay Ashok Joshi for Petitioner.

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CORAM : DR. D.Y. CHANDRACHUD, J.

December 20, 2005.

P.C.:

The dispute in the present case which is pending before the Civil Court is essentially between the Petitioner, the original First Defendant, and the First Respondent who is the original Plaintiff, in regard to the entitlement to family pension. Both the Petitioner and the First Respondent claim to be the wives of the deceased employee. Section 32 of the Bombay Civil Courts Act, 1869 provides that a suit in which the Government or any officer of the Government in his official capacity is a party shall not be received or registered by a subordinate court other than the court of a Civil Judge (Senior Division). In the present case, the Zilla Parishad which is the Second Defendant to the suit is a creature of

a statute, namely, the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1962. No relief has been claimed against the Block Development Officer who is the Fourth Defendant. The Third Defendant is the Deputy Chief Executive Officer of the Zilla Parishad. Relief is sought against the Second and Third Defendants. The Second Defendant, as noted above, is a statutory body. The Third Defendant, who is the Deputy Chief Executive Officer, has not been sued as an officer of the State Government. In these circumstances, the finding of the Trial Court that it has jurisdiction does not suffer from any error. The Civil Revision Application is dismissed.

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